

October 2, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE CHIEF ADMINISTRATIVE JUDGE
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR VERMONT)	
YANKEE, LLC)	
AND ENTERGY NUCLEAR)	Docket No. 50-271-LA
OPERATIONS, INC.)	
)	
(Vermont Yankee Nuclear Power Station))	

NRC STAFF'S UNOPPOSED MOTION TO CLARIFY THE FILING SCHEDULE WITH
RESPECT TO THE VERMONT DEPARTMENT OF PUBLIC SERVICE NOTICE OF
INTENTION TO PARTICIPATE, PETITION TO INTERVENE, AND HEARING REQUEST

Pursuant to 10 C.F.R. § 2.323(a), the U.S. Nuclear Regulatory Commission (NRC) staff (Staff) submits this unopposed request to clarify the schedule for answers and replies to the Vermont Department of Public Service Notice of Intention to Participate, Petition to Intervene, and Hearing Request (Petition) dated and emailed to NRC Secretary Vietti-Cook on September 22, 2014 by the State of Vermont through the Vermont Department of Public Service (Vermont).¹ Vermont subsequently served the Petition on the Staff and the licensee, Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Entergy), through the NRC's E-Filing system, as required by 10 C.F.R. §§ 2.302(a) and 2.305(c), on September 24, 2014. This unopposed motion requests that the Presiding Officer clarify that the Staff's and Entergy's answers to the Petition are due no later than 25 days after it was served on them via the NRC's E-Filing system (i.e., October 20, 2014) and that any Vermont reply thereto is due no later than seven days thereafter (i.e., October 27, 2014).

¹ Vermont Department of Public Service Notice of Intention to Participate, Petition to Intervene, and Hearing Request, dated Sept. 22, 2014.

In support of this request, the Staff states as follows:

1. On September 22, 2014, The Office of the Secretary received the Petition via electronic mail.²

2. The Office of the Secretary informed Vermont of the E-filing requirements, and Vermont resubmitted its petition via the Electronic Information Exchange (EIE) on September 24, 2014.³

3. In Commission adjudications, service is generally not complete until pleadings have been filed in the NRC's E-Filing system. Specifically, such pleadings "shall be electronically transmitted through the E-Filing system"⁴ and "[s]ervice must be made electronically to the E-Filing system."⁵ Alternative filing methods may only be made "[u]pon an order from the Commission or presiding officer"⁶ unless the filing contains sections of information or electronic formats that may not be transmitted electronically for security or other reasons, in which case the portions not containing those sections will be transmitted electronically to the E-Filing system and the entire filing will be physically delivered or mailed on optical storage media.⁷

² See Memorandum from Annette L. Vietti-Cook to E. Roy Hawken, Chief Administrative Judge, Atomic Safety and Licensing Board Panel, Referring a Request for Hearing and Petition to Intervene with Respect to the License Amendment Request of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. for the Vermont Yankee Nuclear Power Station, Docket No. 50-271, September 30, 2014, at p. 1 (Agencywide Documents Accession and Management System (ADAMS) Accession No. ML14273A498).

³ *Id.*; see Petition (ADAMS Accession No. ML14267A523).

⁴ 10 C.F.R. § 2.302(a).

⁵ 10 C.F.R. § 2.305(c).

⁶ *Id.*; see also 10 C.F.R. 2.302(a) ("Documents filed in Commission adjudicatory proceedings subject to this part shall be electronically transmitted through the E-Filing system, unless the Commission or presiding officer grants an exemption permitting an alternative filing method or unless the filing falls within the scope of paragraph (g)(1) of this section.").

⁷ 10 C.F.R. § 2.302(g)(1).

4. In this case, Vermont neither obtained a Commission or presiding officer order allowing it to submit its Petition via email nor does Vermont's Petition fall under the exception identified in 10 C.F.R. § 2.302(g)(1).

5. According to 10 C.F.R. § 2.309(i), parties to a proceeding may file an answer to a hearing request or intervention petition within 25 days after service of the request or petition and any reply must be filed within 7 days after service of the answer.

6. According to 10 C.F.R. § 2.306(a), with respect to the computation of time, the last day of a period is included unless it is a Saturday or Sunday or Federal legal holiday.

7. In accordance with the requirements of 10 C.F.R. § 2.323(b), counsel for the Staff has contacted counsel for Vermont and Entergy, both of whom stated that they had no objection to the filing of this motion.

WHEREFORE, consistent with the Commission's regulations addressing document submittal, service, and timing computation, the Staff respectfully requests that the Chief Administrative Judge, or the Presiding Officer for the Atomic Safety and Licensing Board established in this matter, clarify the schedule for submissions of answers and replies to Vermont's Petition; specifically, to clarify that the computation of time commenced from Vermont's service of its Petition via the NRC's E-Filing system on September 24, 2014, such that the Staff's and Entergy's answers to the Petition are due no later than October 20, 2014 and any Vermont reply thereto is due no later than October 27, 2014.

Respectfully submitted,

/Signed (electronically) by/

Beth Mizuno
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O15-D21
Washington, DC 20555
Telephone: (301) 415-3122
E-mail: Beth.Mizuno@nrc.gov

Dated at Rockville, Maryland
this 2nd day of October, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE CHIEF ADMINISTRATIVE JUDGE
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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the foregoing "NRC STAFF'S UNOPPOSED MOTION TO CLARIFY THE FILING SCHEDULE WITH RESPECT TO THE VERMONT DEPARTMENT OF PUBLIC SERVICE NOTICE OF INTENTION TO PARTICIPATE, PETITION TO INTERVENE, AND HEARING REQUEST," dated October 2, 2014, have been filed through the Electronic Information Exchange, the NRC's E-Filing System, in the above-captioned proceeding, this 2nd day of October, 2014.

Signed (electronically) by/

Beth Mizuno
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O15-D21
Washington, DC 20555
Telephone: (301) 415-3122
E-mail: Beth.Mizuno@nrc.gov

Dated at Rockville, Maryland
this 2nd day of October, 2014